

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

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| <p>THE PENNSYLVANIA STATE UNIVERSITY,</p> <p style="text-align: center;">Plaintiff and Counter-Claim Defendant,</p> <p style="text-align: center;">v.</p> <p>VINTAGE BRAND, LLC;</p> <p style="text-align: center;">Defendant and Counter-Claim Plaintiff</p> <p>and</p> <p>SPORTSWEAR INC. d/b/a PREP SPORTWEAR; CHAD HARTVIGSON; ERIK HARTVIGSON; and MICHELLE YOUNG,</p> <p style="text-align: center;">Defendants.</p> | <p>Case No. 4:21-cv-01091-MWB (Hon. Matthew W. Brann)</p> <p>JURY TRIAL DEMANDED</p> |
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VINTAGE BRAND, LLC’S MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, and for the reasons set forth in the accompanying Brief and Statement of Facts, Defendant Vintage Brand, LLC hereby moves for summary judgment on the merits of all of the claims set forth in Plaintiff The Pennsylvania State University’s Second Amended Complaint. Vintage Brand further moves for summary judgment on Count I of its Counterclaims and respectfully requests that the Court grant relief in the form of ordering that the Patent

and Trademark Office cancel Trademark Registration Nos. 1,276,712 and 5,877,080.

A proposed order is attached.

Dated: June 2, 2023

Respectfully submitted,

By: /s/ Joshua D. Harms

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CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

I, Joshua D. Harms, certify that on June 1, 2023, counsel for Defendant Vintage Brand, LLC conferred with counsel for Plaintiff The Pennsylvania State University regarding the relief that Vintage Brand seeks in this Motion. Plaintiff's counsel does not concur with Vintage Brand's requested relief.

Dated: June 2, 2023

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing Motion for Summary Judgment and supporting Brief and Statement of Facts with the Clerk of the Court using the CM/ECF system on this 2nd day of June 2023, which constitutes service on Plaintiff pursuant to Fed. R. Civ. P. 5(b)(2)(E):

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